

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 23<sup>RD</sup> DAY OF SEPTEMBER 2002, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush (Arrived 7:50 p.m.)	-Vice Chairman
	Gary D. Creed	-Supervisors
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert C. Parker	-Public Information Officer
	Steve Sandy	-Zoning Administrator
	Ron Bonnema	-County Engineer
	Judy Kiser	- Assistant to the County Administrator

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the meeting to order and the Pledge of Allegiance was recited.

### **PUBLIC HEARINGS**

Comprehensive Plan Amendment and Rezoning Request - **WITHDRAWN**

**B&J Enterprises (Agent: Draper Aden Associates) requests the following:**

- a. A Comprehensive Plan Amendment to change the land use designation for approximately 11.68 acres identified as Tax Parcel Nos. 55-A-B2 & 55-12-531 from Agriculture to Urban Expansion.

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- b. Rezone 10.391 acres from Community Business (CB) and 1.289 acres from Residential (R-1) to Multi Family Residential (RM-1) with proffered conditions.

The property is located on the east side of Cascades Road approximately 200 feet south of the Cascades Road and Mid Pines Road intersection and is identified as Tax Parcel Nos. 55-A-B2 & 55-12-531 (Acct ID #033633, 010645) in the Mt. Tabor Magisterial District. The property currently lies in an area designated as Agricultural/Rural in the Comprehensive Plan.

This public hearing was continued from the Board of Supervisors August 26, 2002 meeting. The Chair announced this request has been withdrawn at the request of the applicant.

Supervisor Shorter stated he was hearing a lot of opposition from the residents who live in this area. Development in this area was originally supposed to be for single family homes only.

#### Special Use Permit

**Sandy A. Bennett requests a Special Use Permit, with possible conditions, in Residential (R-2) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height.** The property is located at 2122 Riner Road and is identified as Tax Parcel No. 106-A-72 (Account ID #003541) in the Riner Magisterial District. The property lies in an area designated as Agriculture Area in the Comprehensive Plan.

The Zoning Administrator summarized the request and provided slides. The Planning Commission found the request to be in conformance with the comprehensive plan and recommended approval subject to conditions.

There being no speakers, the public hearing was closed.

#### Rezoning Request - Public Hearing Continued to October 28, 2002

**RRH Property Management requests to rezone 2.71 acres of a 4.01 acre tract from Residential (R-2) to General Business (G-B) with possible proffered conditions, to allow a day care center and office building.** The property is located at 1803 Fairview Church Road and is identified as Tax Parcel No. 119-A-33A (Acct ID #000274) in the Riner Magisterial District. The property currently lies in an area designated as Rural Expansion in the Comprehensive Plan.

The Chair announced this public hearing will be continued to the Board of Supervisors October 28, 2002 meeting. The Planning Commission tabled this request at their September 18, 2002 meeting to allow the applicant to work with the engineer to develop a concept plan that more closely reflects the zoning ordinance requirements.

Stephanie Kopka, Hixon Construction, updated the Board on the concept plan for the proposed day care center. Ms. Kopka stated they have hired Balzar and Associates, Inc to help with the conceptual layout plan for the day care center. She addressed several concerns that the Planning Commission had with the request. One major concern was access of fire and rescue vehicles to the property. According to their engineer, Balzar and Associates, the current layout of the property has a sufficient area for movement throughout the site. They are also considering requesting just a special use permit for a day care center instead of a rezoning request.

Margaret Smith addressed concerns with the proposed request for a day care center on Fairview Church Road. Ms. Smith stated that a day care center was opened up this month at the Auburn United Methodist Church on Five Points Road, which has easier access to Route 8. Fairview Church Road is a highly congested area and only one entrance is proposed for the day care center off Fairview Church Road, which is only several hundred feet from Route 8. Another concern is that the heaviest traffic for the day care center will be the same time this particular intersection is congested with school traffic. Ms. Smith stated that the Riner Community is working together to make recommendations to the County on the comprehensive plan and suggested the Board delay approving any commercial development until the comprehensive plan is completed.

There being no further speakers, the public hearing was continued to October 28, 2002.

#### Special Use Permit

**Carilion Health Corporation (Agent: Draper Aden Associates) requests a Special Use Permit, with possible conditions, in Planned Unit Development- Commercial (PUD-COM) to amend the Concept Development Plan.** The property is located at 2900 Lamb Circle and is identified as Tax Parcel No. 104-A-26 (Acct ID #009207) in the Riner Magisterial District. The property currently lies in an area designated as Planned Commercial in the Comprehensive Plan.

The Zoning Administrator reviewed the request. The Planning Commission found the request to be in conformance with the comprehensive plan and recommended approval.

Matt Perry, administrator of New River Valley Medical Center, explained the need for an amendment to the concept development plan. There has been tremendous growth over the past few years and this project meets the current demand for patient services. The proposed plan moves the warehouse and day care center out of the hospital, freeing up valuable space that is needed for patient care.

Jim Wessell, representative of JAG, Ltd, adjoining property owner, spoke in support of the request.

There being no further speakers, the public hearing was closed.

Agricultural & Forestal District –5 (Riner)

**Henry Teileman’s application to add 73 acres to Agricultural & Forestal District –5 (Riner).** Properties are identified as Tax Parcel Nos. 136-A-30 and 31 (Acct ID # 019407 and 019408) and located off Chestnut Ridge Road (SR 695).

There being no speakers, the public hearing was closed.

### **AMENDMENT TO THE AGENDA**

The Chair announced the work session would be removed from the agenda. Supervisor Shorter will address the issue of the Old Blacksburg Middle School property during his board report.

### **PUBLIC ADDRESS SESSION**

Chris Walker, Elliston Volunteer Fire Department, announced that the EVFD received a Federal Emergency Management Grant in the amount of \$70,370. This grant will be used toward the purchase of much needed fire equipment. He requested the Board to rescind the EVFD’s request for funds to purchase a thermal imaging camera and instead apply those funds as a match for the Federal Emergency Management Grant. The thermal imaging unit will be purchased with the funds received from the grant, along with other equipment.

### **CONSENT AGENDA**

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated September 23, 2002 was approved.

The vote on the forgoing motion was as follows:

#### **AYE**

John A. Muffo  
James D. Politis  
C. P. Shorter  
Larry N. Rush

#### **NAY**

None

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Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs

**Commonwealth's Attorney and Sheriff - Forfeited Asset Sharing Program**

On a motion by C. P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$ 410
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The source of the funds for the foregoing appropriation is as follows:

**Revenue Account**

419104	Confiscations-Commonwealth's Attorney	\$ 250
451205	Fund Balance	<u>\$ 160</u>
	Total	\$ 410

Said resolution appropriates monies received in FY 2002-2003 as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services. It also appropriates the unexpended portion of funds received as part of this program in prior years.

**Sheriff- Recovered Costs**

On a motion by C. P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

321	Sheriff Grants	\$3,250
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The source of the funds for the foregoing appropriation is as follows:

**Revenue Account**

419117	DARE Contribution	\$ 500
451204	Fund Balance	\$1,000
424401	Project Life Saver Contributions	<u>\$1,750</u>
	Total	\$3,250

Said resolution appropriates DARE Contributions received in FY 2001-2002 and FY 2002-2003, and Project Life Saver contributions received in FY 2002-2003.

### **Jail Block Grant Funds**

On a motion by C. P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

310	Sheriff - Comp Board	\$ 184,651
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The source of the funds for the foregoing appropriation is as follows:

#### **Revenue Account**

451205	Designated Fund Balance-Jail Block Grant	\$184,651
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Said resolution appropriates monies from the state Jail Block Grant carryover from the prior year.

### **E-911 Street Name - Reinstate the Use of the Name Morris Road**

On a motion by C. P. Shorter, seconded by John A. Muffo and carried unanimously,

WHEREAS, Chester and Wynnell York, landowners, requested the Board of Supervisors to consider discontinuing the use of the name Morris Road, a private road off Blue Springs Road ( SR 620); and

WHEREAS, By resolution dated July 13, 1998, the Board approved such request to discontinue the name of Morris Road; and

WHEREAS, The property has since been sold and the new landowner has requested that the name Morris Road be reinstated for E-911 purposes and for U.S. Postal service to the residences on this road and has deeded a 25 foot right-of-way.

NOW, THEREFORE, BE IT RESOLED, By the Board of Supervisors of the County of Montgomery, Virginia that, after duly considering said request, the Board reinstates the use of the name Morris Road for a private road off Blue Springs Road (SR 620).

### **NEW BUSINESS**

**Elliston Volunteer Fire Department - TABLED**

On a motion by C. P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Elliston Volunteer Fire Department's request for funds in the amount of \$7,000 for the purchase of an Incident Commanders Radio Interface (ICRI) unit is hereby **tabled**, pending a recommendation from the Fire/Rescue Task Force, consideration of the need for a county-wide communications system, and the potential availability of Home Land Security federal funds.

The vote on the foregoing motion was as follows:

**AYE**

John A. Muffo  
James D. Politis  
C. P. Shorter  
Larry N. Rush  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs

**NAY**

None

**Industrial Development Authority - Debt Service Payments - County Shell Building in Blacksburg**

On a motion by Larry N. Rush, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

810	Economic Development	\$85,352
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The source of funds for the foregoing appropriation is as follows:

**Revenue Account**

02451203 Undesignated Fund Balance-Debt Service Reserve \$85,352

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Administrator shall authorize each monthly advance to the Industrial Development Authority.

Said resolution appropriates monies received from the Debt Service Reserve to cover debt service payments on the Blacksburg Shell Building through October 2002, if needed, through monthly advances to the Industrial Development Authority authorized by the County Administrator.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo

James D. Politis

C. P. Shorter

Larry N. Rush

Annette S. Perkins

Gary D. Creed

Mary W. Biggs

NAY

None

**Refinancing of the Blacksburg Shell Building**

On a motion by C. P. Shorter, seconded by John A. Muffo and carried unanimously,

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF MONTGOMERY COUNTY, VIRGINIA**

WHEREAS, The Board of Supervisors of Montgomery County, Virginia (the "Board of Supervisors") has determined that the County of Montgomery, Virginia (the "County") has an immediate need to refinance the Industrial Development Authority of Montgomery County, Virginia's (the "Authority"): (1) \$7,360,000 Bank of America Loan issued on April 9, 2001 (the "Bank of America Loan") and (2) \$650,000 Virginia Small Business Financing Authority Loan issued in 2001 (the "VSBFA Loan" together with the Bank of America Loan, the "Prior Loans") both issued to finance the construction, renovation and equipping of the Haleos Building, formerly ACT Micro Devices, Inc. (the "Project") located in the County on real property (the "Real Estate"), owned by the Authority through the issuance of an amount not to exceed \$9,500,000 Taxable Revenue Bonds, Series 2002 (the "Bonds") and (b) to lease the Project to the County to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (the "Act"), and the Authority has agreed to do so; and

WHEREAS, There has been presented to the Board of Supervisors a plan for the re- financing of the Prior Loans involving the issuance of the Bonds by the Authority, which would not create debt of the County for purposes of the Virginia Constitution; and

WHEREAS, There have been presented to this meeting drafts of the following documents (**the "Documents"**), copies of which shall be filed with the records of the Board of Supervisors:



- (a) a Lease Agreement between the Authority and the County conveying to the County a leasehold interest in the Project **(the "Lease Agreement")**;
- (b) an Indenture of Trust between the Authority and a corporate trustee (the "Trustee"), pursuant to which the Bonds are to be issued, including the form of Bond, which is to be acknowledged and consented to by the County (the "Indenture");
- (c) an Assignment of Rents and Leases between the Authority and the Trustee, assigning to the Trustee certain of the Authority's rights under the Lease Agreement, which is to be acknowledged and consented to by the County **(the "Assignment Agreement")**;
- (d) a Bond Purchase Agreement among the Authority, the County and Davenport & Company, LLC, as Underwriter **(the "Underwriter")** for the purchase of the Bonds **(the "Bond Purchase Agreement")**;
- (e) a Deed of Trust and Security Agreement between the Authority and the trustees thereunder for the benefit of the Trustee, securing the repayment of the Bonds with a first mortgage deed of trust on the Project **(the "Deed of Trust")**;
- (f) a Continuing Disclosure Agreement among the County, the Authority and the Underwriter for the purpose of assuring compliance with continuing disclosure obligations under Rule 15c2-12 **(the "Continuing Disclosure Agreement")**; and
- (g) a Preliminary Official Statement for the offering and sale of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA:

1. The following plan for re-financing the Project for the County as described in the preambles above is hereby approved. The Authority will be requested to issue the Bonds in the maximum amount of \$9,500,000 and to use the proceeds therefrom to refinance the Prior Loans. The Authority will lease the Project to the County pursuant to the Lease Agreement. The Authority will also enter into the Indenture with the Trustee, pursuant to which the Bonds will be issued, which Indenture is to be acknowledged and consented to by the County. The Authority will also enter into the Assignment Agreement whereby the Authority's rights under the Lease Agreement will be assigned to the Trustee, which Assignment Agreement is to be acknowledged and consented to by the County. The Authority will be requested to lease the Project to the County for the term of the Bonds at rents sufficient to pay interest and principal due on the Bonds, all pursuant to the Lease Agreement. The obligation of the Authority to pay principal and interest on Bonds will be limited to rent payments received from the County. The obligation of the County to pay rent will be subject to the Board of Supervisors making annual appropriations for such purpose. The Bonds will be secured by an assignment of the Lease Agreement to the Trustee and the Deed of Trust, each for the benefit of the bondholders. If the County exercises its right not to appropriate money for rent payments, the Trustee or the holder of the Bonds may terminate the Lease Agreement or otherwise take possession

of the Project, subject to the terms of the Lease Agreement, the Assignment Agreement, the Deed of Trust, and the Indenture. The issuance of the Bonds, maturing, whether in serial or term form, not later than ten years from its date of issuance at a per annum interest rate not to exceed 6.00% is hereby approved.

2. The Board hereby selects Sands, Anderson, Marks & Miller as Bond Counsel, and in connection therewith, the Underwriter for the purchase of the Bonds, and the Authority is hereby requested to designate the Underwriter as such.
3. The Chairman or Vice Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Deed of Trust, the Lease Agreement and the Continuing Disclosure Agreement.
4. The Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to acknowledge and consent to the provisions of the Indenture, the Assignment Agreement, the Bond Purchase Agreement and any other instruments executed by the Authority in connection with an assignment of the Lease Agreement for the purpose of securing the Bonds, including designating and confirming the final interest rate, maturities, redemption provisions and other terms of the Bonds.
5. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be approved by the officer executing them, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.
6. The Project is hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County during the term of the Lease Agreement. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease Agreement and hereby recommends that future Boards of Supervisors do likewise during the term of the Lease Agreement.
7. The Chairman or Vice-Chairman of the Board, the County Administrator, County Attorney, the County Treasurer and all other officers of the County are hereby authorized and directed to work with representatives of the Authority, the County Attorney, the Authority Counsel, Bond Counsel, and the Underwriter to perform all services and prepare all documentation necessary to bring the Bonds to market, including without limitation, final forms of the Documents.
8. All other acts of the Chairman or Vice-Chairman of the Board and other officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of Bonds and the re-financing the Prior Loans is hereby approved and ratified.

9. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.
10. The County hereby agrees to the extent permitted by law to indemnify, defend and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the County, the issuance of the Bonds or the acquisition, construction and equipping of the Project and re-financing of the Prior Loans.
11. Nothing in this Resolution, the Bonds or the Documents shall constitute a debt or a pledge of the faith and credit of the County, and neither the County nor the Authority shall be obligated to make any payments under the Bonds or the Documents except from payments made by or on behalf of the County under the Lease Agreement pursuant to annual appropriation thereof in accordance with applicable law. The Underwriter shall acknowledge on behalf of the Bondholders that any purchase of Bonds pursuant to the Bond Purchase Agreement is made solely based on representations of the County and no representations of any kind as to the Project or the ability to repay the Bonds has been made by the Authority.
12. The distribution of the Preliminary Official Statement and a final Official Statement is hereby authorized. The authorization and approval (the Preliminary Official Statement is deemed "final" for purposes of complying with Rule 15c2-12 of the Securities Exchange Act of 1934, as amended, and the County is understood and agreed to be the sole "obligated person" under such Rule.
13. This resolution shall take effect immediately.

PASSED AND ADOPTED this 23<sup>rd</sup> day of September, 2002.

The Resolution set forth above was adopted at a regular meeting of the Board of Supervisors of the County of Montgomery, Virginia, all in accordance with law, by the following votes:

<u>AYES</u>	<u>NAYS</u>	<u>ABSTENTIONS</u>
C. P. Shorter	None	None
Larry N. Rush		
Annette S. Perkins		
Gary D. Creed		
John A. Muffo		
James D. Politis		
Mary W. Biggs		

**Escrow Request - Law Library**

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

Law Library	\$15,359
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<u>Revenue Account</u>	
451204 Law Library Fund Balance	\$ 15,359

The vote on the foregoing resolution was as follows:

## Escrow Requests

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

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180	Internal Services	\$ 27,947
210	Circuit Court	\$ 11,546
220	General District Court	\$ 1,473
230	Juvenile Domestic Relations	\$ 2,226
250	Circuit Court Clerk	\$ 52,167
320	Sheriff - Comp Board	\$ 6,281
400	General Services	\$ 314,436
520	RSVP	\$ 10,266
710	Library	\$ 55,179
720	Floyd Library	\$ 941
800	Planning and Inspections	\$ 48,500
810	Economic Development	\$ 45,000
910	External Agencies	\$ 87,000
960	Special Contingencies	<u>\$ 50,000</u>
	Total	\$874,343

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
423100	Shared Expenses	\$ 52,167
451205	General Fund Balance	<u>\$822,176</u>
		\$ 874,343

Said resolution appropriates amounts recommended to be escrowed for use in the current year to complete projects and to provide funding for liabilities over and above those encumbered by purchase orders.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
C. P. Shorter	
Larry N. Rush	
Annette S. Perkins	
Gary D. Creed	
Mary W. Biggs	

### **School Operating Fund - Escrow Year End Balance**

On a motion by John A. Muffo, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

561000	Instruction	\$144,437
564000	Operations and Maintenance	\$510,257
570040	Debt Service	<u>\$ 6,500</u>
	Total	\$661,194

The sources of funds for the foregoing appropriation is as follows:

Revenue Account:

451204	Fund Balance	\$661,194
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Said resolution appropriates unspent school operating funds remaining at June 30, 2002.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo

James D. Politis

C. P. Shorter

Larry N. Rush

Annette S. Perkins

Gary D. Creed

Mary W. Biggs

NAY

None

**Policy for Community Use of the Montgomery County Government Center**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the following policy for community use of the Montgomery County Government Center:

**POLICY  
FOR COMMUNITY USE OF THE  
MONTGOMERY COUNTY GOVERNMENT CENTER**

The Montgomery County Board of Supervisors permits groups from the community to use the facilities at the Government Center when such facilities are not otherwise being used. Use of the Government Center facilities is subject to written approval of the County Administrator.

1. Priority of Use:

Use of the Government Center Facilities will be generally based on a first come first serve basis taking into consideration the priorities set below. The County Administrator shall have the right to

preempt the use of facilities for higher priority groups, regardless of sign-up dates, if in his or her opinion the county will be better served by such a decision.

- a. First priority for use of the Government Center is by the Board of Supervisors, county departments, constitutional officers, and programs housed in the building.
- b. Second priority is by the judicial branch of government and other government related groups and public organizations that further the goal of local government. These groups include: organizations that Montgomery County supports monetarily either through direct donations or other means (and which need the use of the facilities to further the purposes for which the support is given); civic organizations with the purpose of holding a public candidate forum; and political parties recognized by the State.
- c. Other non-profit groups that have an IRS 501(c)3 status or state equivalent.

2. Non Permitted Use:

The following groups may not use the Government Center Facilities:

- a. Profit making groups or businesses for their private, profit making purposes.
- b. Groups using the facilities for private purposes.
- c. Groups that need the facilities on a regular basis.
- d. Religious organizations or bodies which want to use the facilities for religious purposes where it might appear to constitute a breach of separation between church and state.

3. Custodial Services:

A custodian or a county employee, specifically approved by or appointed by the County Administrator or his or her designee, shall be on duty during the occupancy of the facilities and shall open and close the building seeing that all windows are locked, lights are off, the building is secured, and that the facilities are left in a condition to be used by the normal occupants the following day. Non-exempt county employees providing custodial services shall receive time and one half for work required over their normal forty hours per week. Billing for the custodial services shall be based on the average wage of the custodial staff. An administration fee of twenty-five percent shall be added to the direct costs for administration and billing. Billing will be initiated by the General Services Department. Employees will be paid for these additional services through regular payroll procedures. Direct payment to custodians is prohibited.

4. Liabilities:

The group or organization using the facilities shall agree to hold harmless Montgomery County, its elected officials, officers, agents, employees, and assigns against all liabilities, losses, damages, and expenses, including court and attorney's fees incurred or suffered as a result of or arising out of the use or occupancy of the facilities. The group or organization using the facilities shall accept the responsibility for good order, and if necessary, provide for proper police and fire protection.

5. Damage to Buildings, Equipment or Grounds:  
Repairs or replacement due to damage to the facilities or equipment by groups using the facilities shall be the responsibility of that group. Repair of damages will be performed through the General Services Department and the responsible group bill accordingly.
6. Restrictions:  
The use of alcoholic beverages on County property is prohibited and the use of all tobacco products inside the buildings is prohibited.
7. Audio video equipment  
The County will not provide any audio video, computer, or telecommunication equipment for groups not listed in priority group 1. Groups using the Government Center should make their own arrangement for the use of this equipment. Where equipment is incorporated into the room, such as the Board of Supervisor's Room, a county employee trained in the proper use of the equipment and approved by the County Administrator shall be present. Groups using such rooms will be billed for the person's time.
8. Fees:
  - a. Board of Supervisors, county departments, constitutional officers, and programs housed within the buildings -- No fee
  - b. The judicial branch of government and other government related groups and public organizations that further the goal of local government. These groups include: organizations which Montgomery County monetarily supports, either through direct donations or other means, and which need the use of the facilities to further the purposes for which the support is given; civic organizations with the purpose of holding a public candidate forum; and political parties recognized by the State. -- No fee
  - c. Other non-profit groups. -- \$50.00 per day plus custodial fees.

## **PROCEDURES FOR REQUESTING USE OF FACILITIES**

1. Applications are required for the use of the following facilities:
  - a. Multi-purpose room
  - b. Kitchen
  - c. Lobbies
  - d. Parking lots (for other than parking)
  - e. Lawns
  - f. Board of Supervisors meeting room
2. Applications can be obtained at the following locations:



- |    |                           |                                     |
|----|---------------------------|-------------------------------------|
| a. | Multi-purpose room        | General Services, Stephanie Kidwell |
| b. | Kitchen                   | General Services, Stephanie Kidwell |
| c. | Lobbies                   | General Services, Stephanie Kidwell |
| d. | Parking lots              | General Services, Stephanie Kidwell |
| e. | Lawns                     | General Services, Stephanie Kidwell |
| f. | Board of Supervisors room | County Administration, Betty Page   |

3. Applicants should return completed applications to the department and person responsible for scheduling of the room.
4. Upon approval by the County Administrator a copy of the approved application will be sent to the requesting party and the General Services Department.
5. The General Services Department will be responsible for all billing.
6. The group or organization using the County facilities shall agree to hold harmless Montgomery County, its supervisors, officers, agents, employees, and assigns against all liabilities, losses, damages, and expenses including court costs and attorneys' fees incurred or suffered as a result of or arising out of use or occupancy of the facilities.

MONTGOMERY COUNTY  
APPLICATION FOR USE OF GOVERNMENT CENTER FACILITIES

Application Date: \_\_\_\_\_

Area being requested: \_\_\_\_\_

Date desired: \_\_\_\_\_

Time desired:                      Beginning: \_\_\_\_\_ Ending: \_\_\_\_\_

**Organization**

1. Name of organization: \_\_\_\_\_

2. Address of organization: \_\_\_\_\_

3. Contact Person: \_\_\_\_\_

4. Address of Contact Person: \_\_\_\_\_

5. Phone No. of Contact Person: \_\_\_\_\_

6. Email of Contact Person: (optional) \_\_\_\_\_

**Purpose and details**

7. Give a brief description of the program planned: \_\_\_\_\_

8. Estimated attendance: \_\_\_\_\_

9. Special requirements: \_\_\_\_\_

10. County employee to be on duty: Custodial Staff ☐ Other ☐

Name of Other: \_\_\_\_\_

**The applicant agrees to comply with the policies and regulations of Montgomery County pertaining to the use of the Government Center facilities. The applicant also agrees to hold harmless Montgomery County, its supervisors, officers, agents, employees, and assigns against all liabilities, losses, damages, and expenses including court costs and attorneys' fees incurred or suffered as a result of or arising out of use or occupancy of the facilities.**

Signed \_\_\_\_\_

Approved \_\_\_\_\_

County Administrator

Print Name

Send copies to: General Services, Requesting Organization

The vote on the foregoing resolution was as follows:

AYE

NAY

John A. Muffo

None

James D. Politis

C. P. Shorter

Larry N. Rush

Annette S. Perkins

Gary D. Creed

Mary W. Biggs

**Reaffirm Section 504 Grievance Procedure Policy - Rehabilitation Act of 1973**

On a motion by John A. Muffo, seconded by C. P. Shorter and carried unanimously,

September 23, 2002

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WHEREAS, The Board of Supervisors of Montgomery County is aware of federal requirements as outlined in section 504 of the Rehabilitation Act of 1973 and is a recipient of federal grant funds through the Virginia Department of Housing and Community Development; and

WHEREAS, The Board of Supervisors of Montgomery County is committed to and supports a policy of non-discrimination in the conduct of the business of the County; and

WHEREAS, The Montgomery County Board of Supervisors posts non-discrimination notices, has several methods of effective communication for persons with disabilities, and has conducted a self-evaluation in compliance with the Americans with Disabilities Act.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby reaffirms its Section 504 Grievance Procedure Policy previously adopted by resolution on October 12, 1993.

BE IT FURTHER RESOLVED, That the Board of Supervisors appoints the Human Resources Director in place of the Deputy Assistant County Administrator to serve as its Section 504 Coordinator.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo

James D. Politis

C. P. Shorter

Larry N. Rush

Annette S. Perkins

Gary D. Creed

Mary W. Biggs

NAY

None

**COUNTY ADMINISTRATOR'S REPORT**

Soccer Agreement Update The County Engineer updated the Board of Supervisors on the Blacksburg Middle School soccer fields. Staff reviewed the existing conditions of the fields to determine the construction needs. It was determined that each of the three fields need a 1% slope, uniform topsoil, irrigation and uniform size. If the contract goes as schedule, grading and seeding should be completed by December 1, 2002. The cost is estimated at \$101,000, with irrigation costing \$50,000.

The County Engineer also presented an alternative for soccer fields. There is 8 acres adjoining the existing fields that could be used for three soccer fields. The existing fields could be left as is and be used for recreation fields for the schools.

**BOARD MEMBERS' REPORTS**

Supervisor Muffo reported that the Montgomery County School's Human Resource Department sent out letters to all the School employees regarding the Treasurer collecting delinquent taxes via garnishing employee pay. Supervisor Muffo commended the Treasurer on his efforts in collecting delinquent taxes.

Montgomery County Improvement Council will be celebrating their 20<sup>th</sup> Anniversary this upcoming year. In order to celebrate, they are holding a T-Shirt contest and they are working with the local high schools. The MCIC has noticed a large reduction in trash being dumped through out the County and believes this has to do with the Board of Supervisors, especially Supervisor Shorter, in allowing large items to be dropped off at the Consolidated Collection Sites.

NAACP Annual Dinner Supervisor Muffo attended the annual NAACP dinner. There was an estimated 400 people in attendance.

Supervisor Perkins reminded Board members of the Metropolitan Planning Organization (MPO) meeting scheduled for October 29, 2002 and the Planning District Commission annual dinner scheduled for October 24, 2002.

Workforce Investment Act Supervisor Perkins attended the WIA meeting and work continues on the community audit.

Supervisor Creed Riffe Street Supervisor Creed stated he received signatures of property owners willing to grant the required right-of-way needed in order to get Riffe Street paved and state maintained.

Football Field - Elliston Supervisor Creed received a proposal from citizens in the Shawsville/Elliston area about installation of additional bleachers on the football field at Eastern Montgomery High School. They would be willing to pay half the cost of installing additional bleachers if the County would match the funds.

Randolph Park Supervisor Creed attended the picnic sponsored by Pulaski County at Randolph Park in Dublin. The facilities are very impressive, with a tremendous play ground and picnic area, which are free to the public, and a large swimming pool. The softball fields are to be completed next year.

Supervisor Politis Greenbrier Pipeline Project Supervisor Politis attended a federal regulatory meeting held in Washington, DC., on the proposed Greenbrier Pipeline. A number of citizens from Montgomery County attended, whose major concern was trying to keep the proposed route from going through the agricultural and forestal districts and from going through Camp Carybrook. Supervisor Politis felt like the meeting was very productive.

Social Services Board - Father Harry Scott, Chairman of the Social Services Board, recently passed away. Father Scott was an asset to the community and he will be missed. Supervisor Politis requested that the Board adopt a resolution in recognition of Father Scott's 30 years of service to the community.

Supervisor Shorter Randolph Park Supervisor Shorter attended the picnic sponsored by Pulaski County at Randolph Park along with Supervisor Creed. He agreed with the comments made by Supervisor Creed.

The Wildness Inn catered the event, and did an outstanding job.

Prices Fork Ball Fields - Supervisor Shorter reported that the recent rains have helped the ballfields at Prices Fork.

VDOT's Rural Rustic Road Program Supervisor Shorter believes the Board should keep pursuing this program which will help get some of the dirt roads in Montgomery County paved.

Pilot Road - There are a lot of places on this road in need of guardrails. Supervisor Shorter believes the installation of guardrails may make a big difference on some of these curves in preventing vehicles from going over an embankment.

Old Blacksburg Middle School - Supervisor Shorter stated he had questions regarding the School Board's proposal to lease the old Blacksburg Middle School and would like to discuss this issue in the near future. He asked the County Attorney to provide information as to whether the School Board can lease out this building if it is not for educational purposes.

Wat Hopkins, Chair of the Montgomery County School Board, was present and briefed the Board on the School Board's intent. The School Board believes that they will need to use the old Blacksburg Middle School in the future. In the meantime, they intend to lease the building. The revenue will help cover the cost of the maintenance and heat on the building, and maybe start a reserve fund.

Supervisor Rush Special County Decal - School Athletics Supervisor Rush suggested an idea to raise revenue for the school athletics program. This would be a voluntary fee for citizens who wished to purchase a special decal to benefit the school's athletic program. Should the Board desire to pursue this idea, a bill will have to be introduced in the General Assembly given Montgomery County does not have the authority to establish such a fee.

Supervisor Biggs Joint Meeting with School Board A joint meeting with the School Board is scheduled for December 4, 2002 at the School Board Office. Supervisor Biggs also reminded Board Members about the grand opening for the new Blacksburg Middle School.

Legislative Meeting - The Chair asked for direction on scheduling a meeting with state legislators prior to the opening of the next General Assembly session.

Reception for Senator Madison Marye - Supervisor Creed suggested that the Board hold a reception to honor Senator Marye for his years of service representing Montgomery County in the General Assembly.

## **INTO CLOSED MEETING**

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711      (1)      Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Board of Equalization
  2. Agency on Aging
  3. Office on Youth Advisory Board ( 3 Appointments)
  4. Virginia's First Regional Industrial Facility Authority  
( 2 Board Appointments and 2 Alternates)
- (7)      Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
1. Blacksburg Shell Building

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
C.P. Shorter	
James D. Politis	
Gary D. Creed	
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	

#### **OUT OF CLOSED MEETING**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
C.P. Shorter	
James D. Politis	
Gary D. Creed	
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Annette S. Perkins, seconded by Larry N. Rush and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### **VOTE**

AYES  
Larry N. Rush  
C.P. Shorter  
James D. Politis  
Gary D. Creed  
Annette S. Perkins

John A. Muffo  
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

**Add to the Agenda - Board of Equalization Compensation**

On a motion by James D. Politis, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby authorize payment to the members of the Board of Equalization in the amount of \$75 per day.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo  
James D. Politis  
C. P. Shorter  
Larry N. Rush  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs

NAY

None

**APPOINTMENTS**

**Agency on Aging**

On a motion by James D. Politis, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Suzanne Mills Smith** to the Agency on Aging effective October 1, 2002 and expiring September 30, 2003.

The vote on the foregoing resolution was as follows:



AYE

John A. Muffo  
James D. Politis  
C. P. Shorter  
Larry N. Rush  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs

NAY

None

**Office on Youth Advisory Board**

On a motion by James D. Politis, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Johanna Elliott** to the Office on Youth Advisory Board effective September 28, 2002 and expiring September 27, 2005.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo  
James D. Politis  
C. P. Shorter  
Larry N. Rush  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs

NAY

None

**Office on Youth Advisory Board**

On a motion by James D. Politis, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Margaret Zelinski** to the Office on Youth Advisory Board effective September 28, 2002 and expiring September 27, 2005.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo  
James D. Politis  
C. P. Shorter  
Larry N. Rush  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs

NAY

None

**Office on Youth Advisory Board**

On a motion by James D. Politis, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Cheri Hall** to the Office on Youth Advisory Board effective September 28, 2002 and expiring September 27, 2005.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo  
James D. Politis  
C. P. Shorter  
Larry N. Rush  
Annette S. Perkins  
Gary D. Creed  
Mary W. Biggs

NAY

None

**Virginia's First Regional Industrial Facility Authority**

On a motion by James D. Politis, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints Mary W. Biggs to the Board of Directors of Virginia's First Regional Industrial Facility Authority for a term of two years effective July 1, 2002 and expiring June 30, 2004.

BE IT FURTHER RESOLVED, That M. Robert Isner is appointed to serve as alternate for Mary W. Biggs for a term of two years effective July 1, 2002 and expiring June 30, 2004.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	NAY
John A. Muffo	None
James D. Politis	
C. P. Shorter	
Larry N. Rush	
Annette S. Perkins	
Gary D. Creed	
Mary W. Biggs	

### **Virginia's First Regional Industrial Facility Authority**

On a motion by James D. Politis, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints Larry N. Rush to the Board of Directors of Virginia's First Regional Industrial Facility Authority for a term of four years effective July 1, 2002 and expiring June 30, 2006.

BE IT FURTHER RESOLVED, That Jeffrey D. Johnson is appointed to serve as alternate for Larry N. Rush for a term of four years effective July 1, 2002 and expiring June 30, 2006.

The vote on the foregoing resolution was as follows:

AYE	NAY
John A. Muffo	None
James D. Politis	
C. P. Shorter	
Larry N. Rush	
Annette S. Perkins	
Gary D. Creed	
Mary W. Biggs	

### **OTHER BUSINESS**

#### **Change October Board of Supervisors Meeting Date**

On a motion by John A. Muffo, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby sets the first meeting in October for Monday, October 14, 2002 at 7:15 p.m.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo

James D. Politis

C. P. Shorter

Larry N. Rush

Annette S. Perkins

Gary D. Creed

Mary W. Biggs

NAY

None

**ADJOURNMENT**

On a motion by James D. Politis, seconded by Larry N. Rush and carried unanimously, the Board adjourned to Monday, October 14, 2002 at 7:15 p.m.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo

James D. Politis

C. P. Shorter

Larry N. Rush

Annette S. Perkins

Gary D. Creed

Mary W. Biggs

NAY

None

The meeting adjourned at 10:45 p.m.